

### UAC INSURANCE MUTUAL MINUTES, BOARD OF DIRECTORS MEETING

July 19, 1994, 10:00 a.m. UAC Offices, Salt Lake City

**Members Present:** 

Gary Herbert, President, Utah County Commissioner

Gerald Hess, Vice President, Davis County Deputy Attorney

Dennis Ewing, Comptroller, Tooele County Clerk

Dixie Thompson, Secretary, Emery County Commissioner

Sid Groll, Cache County Sheriff

Ty Lewis, San Juan County Commissioner Gary Sullivan, Beaver County Commissioner

Members Absent:

Max Adams, Uintah County Commissioner Ken Brown, Rich County Commissioner

Others Present:

Kent Sundberg, Utah County Deputy Attorney

Brent Gardner, UACIM Administrator

David Nelson, UACIM Loss Prevention Manager Sonya White, UACIM Administrative Assistant

Harry Bowes, UACIM Consultant

Jess Hurtado, AIMS Vice President/UACIM Broker

Keri Chappell, AIMS Technical Assistant Doug Alexander, AIMS Branch Manager

Gary Herbert called the meeting to order at 10:15 a.m.

#### Review of Board Member's Absent

Commissioner Max Adams and Commissioner Ken Brown requested to be excused from this meeting. Dennis made a motion to excuse Max and Ken. Sid seconded the motion and the motion carried.

#### **Review and Approval of June Minutes**

Gerald made a motion to approve the June 9, 1994, minutes as written. Dennis seconded the motion and the motion carried.

Gary Sullivan made a motion for the Board to go into Executive Session. Ty seconded the motion and the motion carried.

Dixie made a motion for the Board to come out of Executive Session. Ty seconded the motion and the motion carried.

#### Adoption of Incentive to Comply

This subject was tabled from the April 22, 1994, meeting involving a request from the UACIM Loss Prevention Manager for assistance from the Board for county compliance to training, recommendations, uran 84 etc. The Board had many positive incentive ideas, hence the Board requested David Nelson to offer a 801-265. List of recommendations to the Board at the next meeting.

#### **Adoption of Policy on Special Districts**

With the audit of the Grand County Special Districts, the Board found that additional factors entered into the clarification of the policy on Special Districts adopted by the Board on December 31, 1992. Harry was asked to provide the Board with some recommendations to rewrite this policy. Harry referred to the official Board minutes of July 29, 1992, and November 11, 1992, discussing this policy. Harry handed out an example of a policy for the Board's consideration. Upon lengthy discussion, Ty made a motion to approve page two (d) of Harry's example policy with the following changes: With respect to non-profit organizations and political subdivisions (other than municipalities) the participating UACIM member county must have the following controls over the entity, through the Board of County Commissioners/Council Members: (1)Approves 50% or more of the governing body of the entity, (2) Provides 50% or more of the funding of the entity and (3) Hires/terminates entity employees or directs the activities of those performing the contractual activities of the entity. Dixie seconded the motion and the motion carried. Dixie made a motion for the UACIM Broker to send a copy of this policy with a letter to all member counties listing those special districts that are not covered and that have never been covered under UACIM and that the county can contact the Broker for coverage elsewhere. Dennis seconded the motion and the motion carried. Gerald made a motion for page one of the sample policy to be reviewed by the UACIM Litigation Management Committee for recommendation to the Board as to the correct usage of language. Dixie seconded the motion and the motion carried.

#### Adoption of Policy on Property Repair Before Reporting

The policy statement was reviewed and Dennis made a motion to adopt this policy effective July 1, 1994. Dixie seconded the motion and the motion carried.

#### **Board Signature of Board Member Ethics**

This oath was adopted June 9, 1994, and the Board of Directors each signed this oath.

#### Government Service Television Network

Brent reviewed with the Board a letter from the National Association of Counties (NACo) regarding UACIM's participation in this program that sends out four monthly training segments on videotape for \$1,860.00 per year. Davis County participates in this program and Steve Baker, Davis County Personnel Director, finds these tapes to be excellent. Gerald felt that this program is directed more towards county issues not insurance issues and the distribution of the tapes may be difficult to track. The Board directed David to analyze this program and bring his recommendation to the Board at the next meeting as to whether or not this program can be utilized by the UACIM membership.

#### County Response to Hazardous Spills on County Roads

Kane County contacted UACIM regarding the coverage of Hazardous Spills on their county roads. The county does not have a response team to deal with these types of spills but Kanab city does. The city will not respond to a spill on county roads unless the county is willing to cover them. The UACIM Broker explained that pollutants are a standard exclusion under the policy and the spill and contamination would not be covered. The liability surrounding the spill is covered.

#### Loss Summary & Financial Statements Review

Brent reviewed with the Board the Loss Reports for the month ending June 30, 1994, giving an update on automobile, general liability, property claims and total paid for 1992, 1993 and to-date 1994 policy years.

Brent reviewed with the Board the Financial Statements for the month ending June 30, 1994. The Balance Sheet lists *Premiums Receivable*, under ASSETS, of \$9,940.00. Jess explained that this outstanding amount is from the original start-up fees that were allocated to the counties. \$12,040.00 has been collected but Beaver County still owes \$4,540.00 and Utah County owes \$5,400.00. Brent continued the review noting that the claims will need to start leveling off for the surplus to begin building as anticipated.

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#### **Grand County Audit**

David is continuing to review the audit performed by Brent and Jess on the county's special districts.

#### **PRIMA**

Sonya reviewed the schedule of upcoming PRIMA Conferences and Seminars with the Board. The local PRIMA chapter membership is \$50.00 annually. Kent is a member of the local chapter and attends one meeting per month and feels the meetings are beneficial. Kent will check with the local chapter to see if the UACIM Board, as a whole, can join or if an individual of the Board must join. Also, the Board requested Sonya to obtain a copy of the agenda for the upcoming Fall Pool Trustees Seminar.

#### **Loss Prevention Report**

David reviewed the highlights of his activities since the last meeting which include: 1) Meeting with the Jail Commanders to discuss the revisions of the Jail Standards and scheduling of a meeting with the Sheriff's, the UACIM Litigation Management Committee and Gary DeLand to discuss the completion of these standards. 2) Consulting for Sanpete County on the public use of county fair grounds. 3) Conducted Loss Prevention Team Training in Utah County for all member counties and scheduled training in August on the FLSA and Sexual Harassment which will be conducted in five different regional locations. 4) Meeting with Allen Chapman, CTSI of Colorado, for 2 1/2 days. 5) Completed risk review in Utah County.

Gerald suggested that the Loss Prevention Team Training should focus more on the responsibility of the county teams. David replied that this initial meeting was based on the basics and structure of the Mutual and in the meetings to follow, David will detail the team's responsibilities and continue to meet with each team during his risk reviews.

Regarding the limits of use of risk management data as evidence, as discussed at the previous meeting, David handed to the Board of copy of the Utah Code 63A-4-206. This code refers to only those who come under the risk management pool, the State of Utah. This may give some incentive for the upcoming legislative session to include county government. The Board requested David to work with Brent and Mark Walsh, Utah Association of Counties, to recommend to the Board if there is a need for this lobbying effort.

#### **Broker Report**

Keri gave an update on the Kane County out-of-state transporting issue, explaining that Washington DC is trying to get counties exempt from this federal requirement. The counties are basically ignoring this requirement because no one is forcing them to comply. For example, in Arizona there are no governmental immunity limits, therefore, if the counties are crossing state lines, a 15 passenger van is required to carry \$1,500,000 coverage and 16+ passenger van is required to carry \$5,000,000. The counties are covered for \$1,000,000 with the Mutual. Dixie made a motion for Keri to draft a letter to all member counties regarding the federal requirements for out-of-state transporting and their options to obtain additional coverage to comply. Gary Sullivan seconded the motion and the motion carried. (completed 8/08/94)

At the previous meeting the Board requested Gerald, Kent and Jess to work together to resolve the Insurance Department's concerns on the Mutual's Inverse Condemnation policy. With their schedules, this has not taken place but a meeting is scheduled for August 19, 1994. A report will be given at the next Board meeting.

Gary Sullivan voiced his concern regarding Beaver County's start-up fees that are still outstanding. When Beaver County joined the Mutual on January 1, 1992, the county still had coverage with their prior carrier until March 1992. Gary's understanding was that the county was told not to cancel their prior carrier and that Jess would take care of it. Jess had left the meeting earlier and Keri explained there must have been miscommunication between the county and Jess. No resolution was discussed.

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#### **Meeting with Box Elder County Commission**

In Brent's absence, Gary Herbert explained that scheduling for this meeting is still in the works.

#### **Consultant Report**

Harry will begin working with Brent, Doug, David, Jess and Keri in preparing the Time-Line and Action Plan for the Mutual in anticipation of budgets and contract reviews.

Dennis was concerned with member counties insurance bidding requirements. Harry noted the August 12, 1993, Board minutes wherein the Board adopted a policy based on Utah Statute 63-30-32. Harry will work with Jess to get copies of the Broker's annual insurance bids for the member counties. Harry will work with UAC to possibly amend Legislation on this Statute.

Harry and David will be working with AIMS to get a loss analysis report and to develop a loss ratio report.

Harry, David and Brent are working on scheduling a half day seminar at the annual UAC convention in November to discuss civil rights issues.

#### Litigation Committee & Claims Report

Dennis made a motion for the Board to go into executive session to discuss the Litigation and Claims Report. Dixie seconded the motion and the motion carried.

Dixie made a motion for the Board to go out of executive session. Dennis seconded the motion and the motion carried.

Dixie made a motion to authorize settlement up to \$30,000.00 on claim number 801TOO927012. Gary Sullivan seconded the motion and the motion carried.

Dixie made a motion to authorize settlement up to \$162,500.00 on claim number 801TOO937022. Ty seconded the motion and the motion carried.

Sid made a motion that Kent and Gerald review the legal opinion on claim number 801SAN937001 and respond back to the Board for final authorization. Dixie seconded the motion and the motion carried.

#### **Other Business**

Gary Sullivan was concerned with a Demolition Derby that is going to take place at the Beaver County Fair and what coverage the county needs to be protected. Keri Chappell will work with Gary to resolve any questions and coverage issues.

Pursuant to the June 9, 1994, Board meeting, a letter was sent to all member county assessors to have an appraisal prepared for all covered properties prior to September 15, 1994. The Multi-County Appraisal Trust has agreed to assist the member counties, if needed, in this endeavor. A sample appraisal form was sent with this letter but the sample did not coincide with the appraisal program most of the counties use. Pam Hendrickson, President of the Assessors Association, sent a copy of the appraisal format for the Board to review. The Board agreed that the counties should use the format they are familiar with.

The next Board meeting is scheduled for August 25, 1994, at 10:00 a.m. in the UAC Offices in Salt Lake City. The September meeting is tentatively scheduled for the 29.

Sid made a motion to adjourn. Dixie seconded the motion and the motion carried.

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# UAC INSURANCE MUTUAL MINUTES, BOARD OF DIRECTORS EXECUTIVE SESSION

July 19, 1994 UAC Offices, Salt Lake City

**Members Present:** 

Gary Herbert, President, Utah County Commissioner

Gerald Hess, Vice President, Davis County Deputy Attorney

Dennis Ewing, Comptroller, Tooele County Clerk

Sid Groll, Cache County Sheriff

Ty Lewis, San Juan County Commissioner Dixie Thompson, Emery County Commissioner Gary Sullivan, Beaver County Commissioner

**Members Absent:** 

Max Adams, Uintah County Commissioner Ken Brown, Rich County Commissioner

Executive session was held to discuss the Loss Control Audit.



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Ty Lewis, San Juan County Commissioner Dixie Thompson, Emery County Commissioner Gary Sullivan, Beaver County Commissioner

**Members Absent:** 

Max Adams, Uintah County Commissioner

Ken Brown, Rich County Commissioner

**Others Present:** 

Kent Sundberg, Utah County Deputy Attorney David Nelson, UACIM Loss Prevention Manager Sonya White, UACIM Administrative Assistant

Harry Bowes, UACIM Consultant

Keri Chappell, AIMS Technical Assistant Doug Alexander, AIMS Branch Manager

Executive session was held to discuss the Litigation Committee and Claims Report.



#### **UAC INSURANCE MUTUAL** MINUTES, BOARD OF DIRECTORS **TELEPHONIC CONFERENCE**

July 22, 1994, 8:45 a.m.

INSURANCE Members Participating:

Ken Brown, Rich County Commissioner Dennis Ewing, Tooele County Clerk Sid Groll, Cache County Sheriff Gerald Hess, Davis County Deputy Attorney Gary Sullivan, Beaver County Commissioner

**Others Participating:** 

Kent Sundberg, Utah County Deputy Attorney

Pursuant to the Board of Directors meeting on July 19, 1994, the Board requested Gerald Hess and Kent Sundberg to converse with Robert Wallace regarding the recent circumstances surrounding the settlement of claim number 801SAN937001 and report back to the Board with their recommendation.

In Gerald's absence, Gary Herbert and Kent Sundberg spoke with Robert Wallace on July 21, 1994, and scheduled a telephonic conference to recommend to the Board to settle claim number 801SAN937001 in the amount of \$25,000, which was previously authorized by the Board during the June 9, 1994, Board of Directors meeting.

Ken Brown made a motion for Brent Gardner, UACIM Administrator, to inquire into the circumstances surrounding the settlement terms of claim number 801SAN937001 and to take the necessary steps to eliminate any infraction of confidentiality in the future. Gary Sullivan seconded the motion and the motion carried.



### **UACIM BOARD OF DIRECTORS MEETING**

July 19, 1994, 10:00-2:00

### Utah Association of Counties Offices Salt Lake City

#### AGENDA TOPICS

	AGENDA TOPICS	
10:00 AM	Call To Order	Gary Herbert
	Review of Board Member's Absent	Gary Herbert
	Review and Approval of June 9, 1994 Minutes	Gary Herbert
	Adoption of Incentive to Comply	Gary Herbert
	Adoption of Policy on Special Districts and Policy on Property Repair Before Reporting	Gary Herbert
	Board Signatures on Board Member Ethics	Gary Herbert
	Government Service Television Network	Brent Gardner
	County Response to Hazardous Spills on County Roads	Brent Gardner
	Loss Summary & Financial Statements Review, Review of Loss Summary Spreadsheets	Brent Gardner Gerry Hess
12:00 PM	LUNCH	
	Grand County Audit, Cont.	David Nelson
	PRIMA	Sonya White
	Broker Report  1. Update on Kane County Out-of-State Transporting  2. Insurance Department Concern on UACIM Inverse Condemnation	Keri Chappell Jess Hurtado, Gerry Hess, Kent Sundberg
	Loss Prevention Report 1. Loss Prevention Team Training 2. Decisions of Accident Review Board pursuant to the Utah Code	David Nelson
	Meeting with Box Elder County Commission	Brent Gardner, Doug Alexander
	Consultant Report	Harry Bowes
	Litigation Committee & Claims Report	Kent Sundberg, Doug Alexander
	Other Business	Gary Herbert
2:00 PM	Adjourn	Gary Herbert

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### **UACIM Board of Directors Meeting**

July 19, 1994 UAC Offices

NAME	ATTENDING	REASON	EXCUSED
Gary Herbert, President	Yes		
Gerald Hess, Vice-President	Yes		
Dixie Thompson, Secretary	Yes		
Dennis Ewing, Comptroller	Yes		
Max Adams, Member	No	Commission Meeting	
Kenneth Brown, Member	No	Farming	
Sid Groll, Member	Unable to Contact		
Ty Lewis, Member	Yes		
Gary Sullivan, Member	Yes		

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May 3, 1993, formerly apstate" before ections (1)(b)

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## 63A-4-205. Risk management — Coverage of local health departments.

(1) (a) A local health department established under the authority of Title 26A, Chapter 1, Part 1, may participate in the Risk Management Fund by:

(i) obtaining the approval of the state risk manager; and

(ii) obtaining a resolution from its governing board of health au-

thorizing its participation in the fund.

(b) The state risk manager or the local health department may terminate the local health department's participation in the Risk Management Fund according to guidelines specified in the contract between the parties

(c) The state risk manager may set individual premium rates for each local health department.

(2) For purposes of administration, the state risk manager shall treat each local health department participating in the fund as a state agency.

(3) The counties of the state shall contribute to the fund amounts assessed by the risk manager if the fund is unable to meet its payments as a result of local health department coverage.

History: C. 1953, 63-1-50.1, enacted by L. 1989, ch. 135, § 1; 1991, ch. 112, § 217; renumbered by L. 1993, ch. 212, § 76.

Amendment Notes. — The 1991 amendment, effective July 1, 1991, substituted "Part 1, Chapter 1, Title 26A" for "Chapter 24, Title 26 or under the authority of Chapter 13, Title 11" in Subsection (1)(a).

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-50.1, and deleted "state" be-

fore "Risk Management Fund" in the introductory language of Subsection (1)(a).

Sunset Act. — See Section 63-55-263 for the repeal date of this section.

Compiler's Notes. — Laws 1991, ch. 270, § 2 repeals uncodified § 2, ch. 135, Laws 1989, which had provided for the repeal of this section on July 1, 1991.

Effective Dates. — Laws 1989, ch. 135 became effective on April 24, 1989, pursuant to Utah Const., Art. VI, Sec. 25.

## 63A-4-206. Limits on use of risk management data as evidence.

Notwithstanding any other provisions of law, any reports, recommendations, surveys, schedules, lists, or data compiled, or action taken or not taken by or at the request of the risk manager to identify, evaluate, or plan the safety enhancement or risk reduction of any potential accident sites or other hazards related to any entity covered by the Risk Management Fund may not be admitted into evidence in any court, or used for any other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in those reports, recommendations, surveys, schedules, lists, or data.

History: C. 1953, 63-1-50.2, enacted by L. 1990, ch. 97, § 8; renumbered by L. 1993, ch. 212, § 77.

Amendment Notes. — The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-50.2.

Effective Dates. — Laws 1990, ch. 97 became effective on April 23, 1990, pursuant to Utah Const., Art. VI, Sec. 25.

Cross-References. — Use of risk management records for risk control or claims activities purposes, § 63-1-50.3.

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### NATIONAL ASSOCIATION Of COUNTIES

440 First St. NW, Washington, DC 20001 202/393-6226

Dear NACo Member:

Why did more than 500 local governments join the Government Services Television Network (GSTN) last year?

Simple. They wanted timely training on topics ranging from sexual harassment to downsizing, and others like:

- putting customer service into local government
- positive management techniques
- \* working with the media
- \* effective supervisory practices
- \* finding alternative revenue sources

They wanted to cut their travel costs and time out of the office. They also wanted to participate in the fastest-growing technology and education partnership in the history of local government with the four leading local government organizations — NACo, ICMA, NLC and PTI. GSTN does that.

Together, with Westcott Communications, Inc., the world's leader in satellite and videotape-delivered educational television programming, GSTN delivers timely news, information and training at a very affordable cost, right to your doorstep.

#### A Special Discount Offer for You

NACo members receive a \$300 discount on their annual subscription to GSTN. That means for only \$1,860 a year, you'll receive four monthly training segments on videotape for your entire staff. No wonder counties like Brevard County, Fla., Lake County, Ill., and Mecklenburg County, N.C., joined GSTN last year.

Take advantage of your NACo membership now by joining GSTN. Start that steady stream of new ideas, training and information coming your way, today.

Sincerely,

Larry Naake

**Executive Director** 

NACo

P.S. For a free videotape overview of GSTN's programs and a sample 1994 program guide, call (800) 284-4786.

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Date: 1-21-94

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TeleConference Service	100
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TeleConference	Details:

Start Time: 8:45 A. Time Zone: 18 No. of Locations: 8 Day/Date of Call: Flift July 22

To reach your TeleConference dial 800 432-2196 and enter the following code:

77 77 77 70 110
373-996 (For Host Only)
158- 82-5

### Helpful Hints for a Successful Conference Call

- \* Speakerphones can induce noise on your call. Please use only high quality speakerphone equipment and mute your microphone when not speaking
- Key participants should sit next to the microphone or use a handset.
- Please do not put your line on hold. Your system may have music-on-hold which will disrupt the call.
- For assistance during your conference call, the host should dial #0 to reach the specialist.

### Participant Feedback:

Your successful conference call is important to us. We appreciate your feedback. Please take a few moments to complete this form and fax to (800) 852-2956.

1. Was the process of dialing into your conference prompt, responsive, and easy? NO Yes

If No. why not?

- II How would you rate the call transmission quality? High Medium LOW
- III. On a scale of 1-10 (10 the highest) how would you rate your overall TeleConference?

Thank You for using AT&T TeleConference Service Your TeleConference Specialist:

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### AT&T 800 Dial-In TeleConference Service

(800) 232-1111

The quick, easy to use, efficient and cost-effective answer to your communication needs.

#### Host/Arranger Dial-In Instructions

- Two security access codes have been assigned to your conference, one code for the host and one for the participants.
- At the scheduled meeting time, all parties must dial the telephone number provided by the TeleConference specialist. Each party will hear the AT&T Welcome Announcement. Next you will be asked to enter the six digit security code you were assigned. The host should enter the host code and all other participants should enter the participant's code.
- For assistance at anytime during the TeleConference, the host must dial "#" (pound) then "0" (zero). The next available TeleConference Specialist will come on line to assist you.

### On-Conference Options

- Both domestic and international locations may be dialed and added to the TeleConference by the specialist. The host must depress "#0" and give the information to the specialist.
- During your conference, you have the ability to give back any ports you do not need. Please press "#0" and advise the Specialist that you would like to give back the ports.
- During your conference, you also have the ability to increase the number of ports or the TeleConference duration. Simply press "#0" to reach the specialist.

The request will be granted provided the facilities are available.

To terminate the conference, all parties simply need to hang up. To be certain the call has ended and billing stopped the host should press "#" (pound) and then "\*" (star) and hang up.

#### Service Notes

- A reservation confirmation notice, that may be used to notify your participants of call details, will be faxed to you upon request.
- Changes to your TeleConference can be made anytime up to 20 minutes prior to the scheduled start time. To request a change, please call the 800 number at the top of this page.

Please note: A change in the TeleConference information may result in a change to the number you dial to reach your TeleConference.

- If no one dials into the TeleConference within the first thirty (30) minutes, the facilities will no longer be available to you. You may also incur a cancellation charge.
- After the first person dials into the conference, the system checks to see if the ports are continuing to be used. If all ports remain unused for a period of 15 minutes, the system will take back the ports.

Remember: Once you access the conference, keep at least one line open for the remainder of the time you need your conference.

- Your TeleConference will be automatically extended in 15 minute increments until you hang up provided the facilities are available. You will be notified by a recorded announcement when your conference cannot continue to be extended. Should this occur, you will hear a recorded announcement 10 minutes before your conference will end and also just prior to the end of your conference.
- International locations can reach the 800 Dial-In
  TeleConference via USADirect, or be dialed by the
  specialist. Participants using USADirect must
  have an AT&T Calling Card. For additional
  information on USADirect, dial (800) 874-4000.

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# IMPORTANT

Date: July 21, 1994

To: Kent Sundberg

From: Sonya White, Administrative Assistant

Re: Scheduled Conference Call

Pursuant to the Board of Directors meeting held on July 19, 1994, and the telephonic conference call today involving Robert Wallace, Gary Herbert and Kent Sundberg regarding claim 801SAN937001, the following conference call has been scheduled for tomorrow, **July 22, 1994, at 8:45 a.m.** 

To participate, please call 1-800-432-2196 at 8:45 a.m. tomorrow, then dial in the host code: 373996.

Commissioner Thompson has responded that she will not be able to participate tomorrow and that her response to this matter is to go ahead with the amount the Board previously authorized if this is what it takes to settle.

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# IMPORTANT

Date: July 21, 1994

To: UACIM Board of Directors:

Gary Herbert, Utah County Commissioner Gerry Hess, Davis County Deputy Attorney Dixie Thompson, Emery County Commissioner Dennis Ewing, Tooele County Clerk Max Adams, Uintah County Commissioner Ken Brown, Rich County Commissioner Sid Groll, Cache County Commissioner Ty Lewis, San Juan County Commissioner Gary Sullivan, Beaver County Commissioner

From: Sonya White, Administrative Assistant

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To participate, please call 1-800-432-2196 at 8:45 a.m. tomorrow, then dial in the participant code: 158825. Your attention to this matter is greatly appreciated.

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